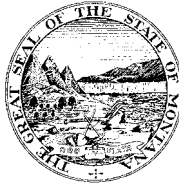


LEGISLATIVE AUDIT DIVISION

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MEMORANDUM

TO: Legislative Audit Committee

FROM: Jim Pellegrini, Deputy Legislative Auditor of Performance Audits

DATE: October 2005

RE: Follow-up Performance Audit (05SP-15)
Noxious Weed Management on State Lands (Original Report 02P-12)
Department of Natural Resources and Conservation
Department of Agriculture

INTRODUCTION

We presented our performance audit of Noxious Weed Management on State Lands within the Department of Natural Resources and Conservation (DNRC), Montana Department of Transportation (MDT), Department of Fish, Wildlife, and Parks (FWP), Department of Corrections (DOC), Department of Agriculture (MDA), and the University System to the Legislative Audit Committee in February of 2003. The performance audit report contained one recommendation to MDA that contains three parts and four recommendations to DNRC that contain nine parts. Recommendations relate to joint reporting criteria/format, grazing lease rental incentives, identifying significant noxious weed infestations, monitoring prioritized infestations, and consolidating weed management projects on state lands.

We received information from MDA and DNRC personnel regarding progress toward implementation of our report recommendations. We then interviewed agency and county personnel, reviewed related documentation, and conducted observations to verify implementation status of each recommendation. This memorandum summarizes our findings.

Overview

Overall, noxious weed management on state lands has seen positive changes in the areas of increased awareness and communication. State agencies have progressed as far as identifying weed infestations, assessing management needs, and prioritizing treatments to best focus the resources available. Documentation of weed control efforts has also improved. The state is in the process of compiling biennial performance data to analyze the needs of noxious weed management for Montana. This information will be presented to the Legislature, the Governor, and the Advisory Council in January of 2006. The Department of Agriculture has implemented two recommendations and one is being implemented. The Department of Natural Resources and Conservation has implemented two recommendations, three are being implemented, two are partially implemented, and two are not implemented. DNRC is making progress to identify noxious weeds on state lands at lease renewal times and as other management issues arise, but significant weed infestations are only identified consistently as leases are renewed. DNRC could improve current noxious weed management activities.

BACKGROUND

Montana encompasses approximately 94 million acres with about 5.8 million acres (six percent) administered by state agencies. The Trust Land Management Division within DNRC is the primary state agency landholder with 5.1 million acres. MDA is not a landowner, but provides leadership and coordination of noxious weed management for state agency landholders. However, the authority to enforce weed management is the responsibility of the county weed districts. In the case of leased state lands, the state agency is the landowner not the lessee. DNRC rules for leased state lands require the lessee to manage noxious weeds. All state agency and county interviewees agreed that a cooperative effort between neighboring landowners results in the most effective weed management.

State agency approaches vary in regard to the management of noxious weeds. For instance, DNRC relies on lessees for weed control of leased state lands and cooperative efforts/contractors for other weed management issues. FWP relies on county resources, contractors, and/or in-house capability to control weed infestations on fishing access sites, parks, and wildlife management areas. MDT focuses on establishing a desired type of vegetation rather than simply eradicating noxious weeds by using county weed control capabilities and/or contractors. DOC weed control is based on the agricultural needs of the Montana State Prison Ranch and is handled in-house. The University System uses a combination of in-house, county, and contractor resources for weed control activities.

Updated Weed Management Information

Due to the high level of legislative interest in noxious weed management on state lands, this follow-up included additional work to update background information contained in the audit report. The background information was updated for budgetary data and weed management changes since the audit. According to data in the State Weed Management Plan, we found that state agency budgets (for fiscal years 2003 and 2004) for noxious weed control are approximately the same as they were at the time of the audit.

Noted budget changes since the audit include:

- DNRC is using an additional \$18,000 of recreational use money for weed control.
- FWP increased its weed management biennial budget by \$130,000.
- The 2005 Legislature passed HB266 to implement the Noxious Weed Trust Fund Constitutional Amendment (CA40) with a \$10 million cap in place.

Changes regarding weed management activities include:

- FWP is sharing an intern with MDA. The intern is mapping weed activity on fishing access sites for FWP and surveying county weed coordinators to verify accuracy of weed information for MDA.
- MDT is inventorying and mapping weed activity along roads.
- The Invaders Database, which started out as a University of Montana research project, is now a complete database containing the location of weeds and potential spreading problem areas. It includes information from all western states; not just Montana.
- DNRC plans to hire a weed coordinator within the next two years.

- The Governor issued an Executive Order to change the Weed Summit Steering Committee to an Advisory Council.
- Cooperative agreements between DNRC and counties are now being updated more frequently with some reevaluated annually.
- DNRC land offices developed area weed management plans, which standardize noxious weed management on state lands.

AUDIT FINDINGS

The following sections summarize the original report's findings and recommendations, and our assessment of the agencies' actions to implement the recommendations.

Recommendation #1

We recommend the Montana Department of Agriculture:

- A. Develop biennial report criteria and format to assess the status of noxious weeds on state lands in each county.
- B. Establish procedures for joint weed district and state agency report preparation, coordination, and submission.
- C. Consolidate weed district biennial and agency reports into a statewide state lands noxious weed report for submission to the legislature and governor.

Status:

- A. Develop biennial report criteria and format to assess the status of noxious weeds on state lands in each county.**

Being Implemented

The department developed a standardized biennial performance report form to assess the status of noxious weeds on state lands in each county. This performance report is a summary of all noxious weed actions including projects, goals from the area weed plans, and reasons for non-completion of goals (funding, staff, etc.). The first biennial reports are scheduled for submission by September 30, 2005. MDA plans to verify the accuracy of the information submitted and follow-up with any discrepancies.

The department views the form as a work in progress with plans to adapt the report as needed based on assessment of submitted reports. As discussed in the audit report, evaluation of weed management success should be a key component of the form. The form currently uses a goals met or not met indicator. This reporting measure could be adjusted to include indications of noxious weed status in relation to treatments such as eradicated, minimized, no effect, or increased infestation to effectively identify success/failure of weed control activities.

- B. Establish procedures for joint weed district and state agency report preparation, coordination, and submission.**

Implemented

MDA developed and distributed report completion instructions to all state agencies and counties. These instructions contain combined reporting and joint submission requirements. The biennial report is completed

jointly between agency and county weed personnel and submitted biennially. According to state agency and county interviewees, the joint form and submission process has increased communication between agencies and counties regarding noxious weed management on state lands.

C. Consolidate weed district biennial and agency reports into a statewide state lands noxious weed report for submission to the legislature and governor.

Being Implemented

The department developed a database to compile biennial performance report information from state agencies. As mentioned, the first biennial performance reports must be submitted to the department by September 30, 2005. The department intends to use the reported information to provide an assessment of the effectiveness of agency weed management. The summarized information and any related recommendations will be reported to the Governor, the Legislature, and the Advisory Council in January of 2006. However, MDA personnel stated they do not have the authority to enforce or direct agencies regarding any recommendations. Due to the change in status of the Advisory Council, MDA will take on more responsibility with the state weed management plan.

Recommendation #2

We recommend DNRC:

- A. Review alternatives for establishing a grazing lease rental incentive for noxious weed management.
- B. Make recommendations to the State Board of Land Commissioners and seek legislation as appropriate.

Status:

- A. Review alternatives for establishing a grazing lease rental incentive for noxious weed management.**
- B. Make recommendations to the State Board of Land Commissioners and seek legislation as appropriate.**

Not Implemented

The agency's response documented in the audit report indicated the department did not believe recommendation #2 would result in improved weed management or that it could be equitably implemented considering the number of tracts and leases the department manages. The department's position has not changed.

Recommendation #3

We recommend DNRC:

- A. Identify significant noxious weed infestations on state lands.
- B. Monitor priority noxious weed infestations and weed management compliance.

Status:

- A. Identify significant noxious weed infestations on state lands.**

Being Implemented

Listed in area weed management plans are department developed criteria for priority ranking of high, medium, and low weed infestations and the types of management actions the department will take. For example, weed infestations with the potential to seriously reduce school trust revenues are included in the high priority rank. The plans also require staff to develop site-specific weed control plans for high priority infestations, including annual reviews and related documentation of the sites. These procedures follow the recommendation of the audit. However, we noted procedures are not applied consistently in actual practice among and within land offices.

Currently, weed management is not a primary duty of any DNRC personnel. Identification of noxious weed infestations on state lands is an additional responsibility for staff. For example, in one land office the hydrologist coordinates and conducts noxious weed management. Land offices have increased weed identification training to field personnel such as foresters and have at least one licensed weed chemical applicator in each unit office. Overall, identifying noxious weeds is integrated into other management areas such as grazing lease renewal evaluations (every five to ten years for each lease), timber sale transactions, roadwork, riparian area inspections, cooperative projects among varying landowners, etc. In addition, DNRC depends on counties and cooperative groups to identify and communicate significant weed infestations in their area.

DNRC is making progress to identify noxious weeds on state lands at lease renewal times and as other management issues arise, but significant weed infestations are only identified consistently as leases are renewed. DNRC renews approximately 1,000 leases per year on a ten-year cycle. With an estimated 2,000 leases renewed since the audit, about 8,000 state land leases still require weed identification. In addition, weed identification for state land not under a lease is inconsistent. These lands may or may not be visited at all (only if a management issue arises).

B. Monitor priority noxious weed infestations and weed management compliance.

Being Implemented

Land office area weed management plans contain procedures to monitor noxious weed infestations and weed management compliance. Monitoring procedures are to ensure compliance with lease stipulations and/or related weed control recommendations. Compliance activities are to occur annually for high priority weed infestations and reviews should be documented. Compliance activities include lease evaluations and follow-up site inspections to ensure compliance with lease stipulations. However, we found follow-up reviews and related documentation are not consistent among and within land offices. There is also limited weed management oversight by the Trust Land Management Division to ensure compliance with procedures. Land office personnel cited a lack of resources as the primary reason for inconsistencies since follow-up inspections and related paperwork are the most time-consuming for field staff. Examples of various procedures are:

- One land office mails lessees a form annually requesting weed management activity reports, which may or may not include an actual physical site inspection.
- Another land office may not complete follow-up site inspections for high priority weed infestations until lease renewal (once every five to ten years).
- A third land office physically inspects high priority weed infestations on leased land annually and documents the review.

In addition, not all land offices send copies of site-specific weed management plans to county weed coordinators for weed management awareness and improved communication between state agency landowners and counties. According to DNRC personnel and county weed coordinators, communication

regarding cooperative weed management efforts is good. However, DNRC personnel do not consistently inform county weed coordinators of weed management activities on leased parcels within their counties.

Recommendation #4

We recommend DNRC:

- A. Verify weed management compliance on leased parcels.
- B. Evaluate alternatives for enforcement of noxious weed management requirements including use of interim lease rate adjustments.
- C. Make proposals to the State Board of Land Commissioners as appropriate.

Status:

A. Verify weed management compliance on leased parcels.

Being Implemented

DNRC personnel verify weed management compliance at lease renewal every five to ten years. In one land office, some leases are inspected every five years due to non-weed related management issues. In two other land offices, leases with high priority infestations are renewed on a five-year basis with special stipulations. These sites are inspected one to two times per year, depending on the level of treatment. In perspective, some DNRC land offices have 15 to 600 lease renewals a year and no staff with weed management as their primary duty. Lease renewal evaluations are usually conducted a year prior to expiration to allow the lessee time to treat any infestations. Again, this is an area of weed management applied inconsistently within DNRC land offices.

B. Evaluate alternatives for enforcement of noxious weed management requirements including use of interim lease rate adjustments.

C. Make proposals to the State Board of Land Commissioners as appropriate.

Implemented

DNRC sought legislation (HB 599) for additional enforcement authority of noxious weed management on state lands during the 2005 Legislative Session. The proposed legislation did not pass. However, DNRC plans to submit similar legislation in the 2007 Session. In addition, DNRC changed the lease renewal process (Administrative Rule of Montana 36.25.117) by including noncompliance as a lease renewal consideration. The new rule allows DNRC to deny lease renewal due to noncompliance with weed control. In the past, the lease renewal process gave preference rights to the lessee whether or not weeds were managed.

Recommendation #5

We recommend DNRC:

- A. Identify land/unit office weed management projects warranting involvement by the department.
- B. Consolidate DNRC weed management projects and develop budget proposals for executive and legislative considerations.

Status:

A. Identify land/unit office weed management projects warranting involvement by the department.

Partially Implemented

In area weed management plans and county cooperative agreements, specific weed management projects are listed along with projected costs. These plans provide guidance to department managers on funding of projects between counties. In addition, the biennial performance reports due on September 30, 2005 are to include details on unfunded projects and are expected to be a basis for future budget proposals.

DNRC relies on land offices to prioritize infestations and follow area weed management plans. The department is informed of weed management activities by land office managers, but does not commonly get involved. Department management may stop by and check on projects in progress. However, department managers told us they do not believe land office weed management projects warrant their involvement or oversight other than to allocate available funds.

B. Consolidate DNRC weed management projects and develop budget proposals for executive and legislative considerations.

Partially Implemented

DNRC identifies weed management projects statewide by listing them in area plans and cooperative agreements, but does not currently consolidate existing weed management projects. In addition, they have not developed any new budget proposals for executive and legislative consideration. This is partially due to biennial performance reports not yet being complete. The department intends to use information provided in the reports to identify funding needs and make budget proposals as necessary. DNRC did receive increased spending authority of \$18,000 of recreational use money for noxious weed management.